

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-vs-

15-CR-2

JASON M. SMITH,

Defendant.

Proceedings held before the
Honorable William M. Skretny, Buffalo
Courtroom, Robert H. Jackson Courthouse,
2 Niagara Square, Buffalo, New York, on
January 5, 2016.

APPEARANCES:

SCOTT ALLEN,
Assistant United States Attorney,
Appearing for the United States.

THOMAS J. EOANNOU, ESQ.,
Appearing for Defendant.

Michelle L. McLaughlin, RPR,
Official Reporter,
U.S.D.C. W.D.N.Y.

1 THE CLERK: Criminal case 15-2S, United
2 States of America versus Jason Smith.

3 THE COURT: Mr. Allen, good morning.

4 MR. ALLEN: Morning, your Honor.

5 THE COURT: Mr. Eoannou, good morning.

6 MR. EOANNOU: Morning, Judge.

7 THE COURT: Jason Smith. I'm going to
8 file a text order today accepting Judge McCarthy's
9 Report and Recommendation, so that will be of
10 record as of today. So we have to figure out where
11 we're going to go from here. The government's
12 motion for reciprocal discovery was granted. The
13 motion to suppress is denied.

14 Is that Jason Smith there?

15 MR. EOANNOU: It is, your Honor.

16 THE COURT: All right. Good morning.

17 THE DEFENDANT: Good morning, your Honor.

18 THE COURT: What are we going to do here,
19 Mr. Eoannou? Are discussions going on, or are we
20 going to go forward with a trial here, or do you
21 need some time to kind of work on it?

22 MR. EOANNOU: We have had discussions,
23 your Honor. I think we'll resolve this. If we put
24 a status in 30 days -- this will not be a trial
25 case. We'll resolve it either at that time or one

1 more adjournment.

2 THE COURT: Does that work, Mr. Allen?

3 MR. ALLEN: Yes, your Honor. Thank you.

4 THE COURT: Miss Labuzzetta, if we can,
5 please.

6 Maybe do it right at the end of January. That
7 should be enough time, right?

8 MR. EOANNOU: Yes, Judge. Question of
9 looking at some photos.

10 THE CLERK: How about the 26th, which is a
11 Tuesday, at 9:00.

12 THE COURT: January 26th at 9:00?

13 MR. ALLEN: Your Honor, I'm scheduled to
14 begin a contested trial with Judge Vilardo on that
15 day at 9:30, your Honor.

16 THE CLERK: How about the 25th at 9:00?

17 MR. ALLEN: That would be great, your
18 Honor. Thank you.

19 MR. EOANNOU: That will be fine.

20 THE COURT: 25th at 9:00. Okay. I'll
21 exclude the time through and including the 25th in
22 the interest of justice, and I find that the ends
23 of justice outweigh the interest of defendant and
24 society to a speedy trial under 3161(h)(7)(A). No
25 objection?

1 MR. EOANNOU: No objection.

2 MR. ALLEN: Thank you, your Honor.

3 THE COURT: Okay. Thank you very much.

4 Okay, Mr. Smith, take care.

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CERTIFICATION

I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/Michelle L. McLaughlin
Michelle L. McLaughlin, RPR
Official Reporter
U.S.D.C., W.D.N.Y.